

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>JAMES LEROY MUMMERT, JR.,</b>	:	<b>Civil No. 1:18-cv-00856</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Defendant.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of September 2023, upon consideration of Defendant United States of America's motion to dismiss for lack of subject matter jurisdiction, judgment on the pleadings, summary judgment (Doc. 61), and in accordance with the forthcoming memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant's motion to dismiss for lack of subject matter jurisdiction is **DENIED**;
2. Defendant's motion for judgment on the pleadings is **GRANTED** to the extent Plaintiff seeks to hold Defendant liable for the negligence of named and unnamed physicians serving outside of the Baltimore VAMC Emergency Department, including Doctors Violeta Rus, Mansai Long, Samuel Stern, Najmeh Izadpanah, and Carly Gordon; the motion is otherwise **DENIED**;
3. The aforementioned claims as to the non-emergency personnel are **DISMISSED** without prejudice to Plaintiff's right to file an amended complaint within 21 days of the issuance of the forthcoming memorandum;
4. Defendant's motion for summary judgement is **GRANTED** in part and Plaintiff's negligence claim is **DISMISSED** with prejudice to the extent it seeks to hold Defendant liable for the negligence of Doctors Kishan J. Kapadia, Girish Sethuraman, Harry Mushkin, Allan Krumholz, and Payam Sajedi; the motion is **DENIED AS MOOT** with respect to Doctors Rus, Long,

Stern, Izadpanah, and Gordon; and the motion is **DENIED** with respect to Doctors Wei Zheng and Jena Lee.

/s/ Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge